

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/835,077	ROBARTS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tadesse Hailu	2173	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on 10/14/05.
2. ☒ The allowed claim(s) is/are 60-69, 71 and 76-150.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>10/14/05</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                               | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

### EXAMINER'S AMENDMENT

1. This Office Action is in response to the Amendment entered on October 14, 2005 for the patent application number 09/835,077.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

#### In the **Specification**:

Please **remove** all alphanumeric text within the brackets including the bracket "(Attorney Docket No           )" as indicated in the following pages:

Page 1, lines 5, 7, 9, 13, 19, and 21; page 8, line 6; page 19, line 24; page 23, line 21; page 27, lines 24 and 27; page 29, line 2,

Please **enter** application number as indicated in the following pages:

Following "Application No." Please enter -09/825,159—on page 1, line 9, on page 19, line 23, on page 23, line 21, on page 27, line 27.

Following "Application No." Please enter -09/824,900—on page 1, line 13, on page 8, line 6, on page 27, line 24.

Following "Application No." Please enter -- 09/825,152 -- on page 29, line 2.

#### Examiner's Statement of Reasons for Allowance

3. Claims 60-69, 71, 76-150 are allowed.

The following is an examiner's statement of reasons for allowance: As indicated in the previous Office Action, the prior art of records, Theimer et al (US Pat No 5,493,692), Herz (US Pat No 6,460,036), Paul (US Pat No 5,999,932), Goldberg et al (US Pat No 6,264,560) and Lang et al (US Pat No 5,867,799) teach a wearable/portable computing device that can monitor a context of a user of the computing device. Although these computing device of the prior art can load/run any application including gaming application, but since the cited prior art are not geared or directed toward computer gaming application, the prior art of record fails to disclose a method that includes the steps of receiving an indication from the user to generate a virtual device that can be triggered by a context of another player, and generating the indicated virtual device and presenting the indicated game information in such a manner as to reflect the monitored computer's user's context, as recited in independent method claim 60, this limitation is also substantially similar to computer readable medium claim 85 and system claim 110. Since dependent claims 61-69, 71, 76-84, and 86-109, and 111-150 incorporate all the features/limitations of claims 60, 85 and 110, respectively, these claims are also allowed.

Thus, prior art neither renders obvious nor anticipates the combination of claimed elements in light of the specification.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

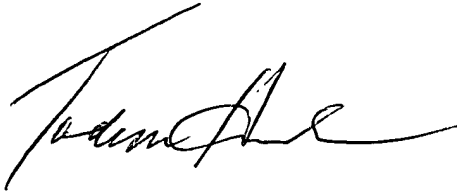
accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### CONCLUSION

4. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 272-4051. The Examiner can normally be reached on M-F from 10:30 – 7:00 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (571) 272-4048 Art Unit 2173.

5. An inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Examiner Tadesse Hailu  
Art Unit 2173  
2/9/06

A handwritten signature in black ink, appearing to read "Tadesse Hailu", written in a cursive style.